

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRIBUO PARTNERS LLC,

Plaintiff,

v.

WILSON SONSINI GOODRICH ROSATI,
P.C., et al.,

Defendants.

Case No. 22-cv-02930-JSC

**ORDER RE: DIVERSITY
JURISDICTION**

Re: Dkt. No. 1

Plaintiff's complaint asserts federal subject matter jurisdiction on the basis of diversity. (Dkt. No. 1 ¶ 4.) Defendants are a California corporation and an individual citizen of Texas. (*Id.* ¶¶ 2–3.) Plaintiff is “a Colorado limited liability company.” (*Id.* ¶ 1.) However, “an LLC is a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Therefore, the complaint does not properly allege diversity jurisdiction because it does not allege the citizenship of each member of Plaintiff. No other basis for federal question jurisdiction is clear from the complaint. *See Nationwide Mut. Ins. Co. v. Liberatore*, 408 F.3d 1158, 1161–62 (9th Cir. 2005) (explaining that, despite “inartful pleading,” complaint “expressly states that resolution of its claims would require the federal court to apply the Federal Tort Claims Act, a clear indication . . . [of] federal subject-matter jurisdiction”).

Accordingly, if there is a proper basis for diversity jurisdiction, Plaintiff shall file an amended complaint that sets forth the citizenship of each of its members on or before June 13, 2022. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (“Federal courts are courts of limited jurisdiction. . . . It is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party asserting jurisdiction.”

(citations omitted)); *see also Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (“Courts have an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it.”).

IT IS SO ORDERED.

Dated: June 6, 2022


JACQUELINE SCOTT CORLEY
United States District Judge

United States District Court
Northern District of California